

**LAND SURVEYOR SECTION  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS  
MEETING MINUTES  
March 20, 2014**

**PRESENT:** Bruce Bowden, Daniel Fedderly, Matthew Janiak, and Ruth G. Johnson

**STAFF:** Brittany Lewin, Executive Director; Pam Stach, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Matthew Janiak, Chair, called the meeting to order at 9:31 A.M. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments:**

- Item K (Closed Session) – **CORRECT** Title to: “Proposed Decision of Administrative Law Judge”

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Daniel Fedderly moved, seconded by Ruth G. Johnson, to approve the minutes of October 29, 2013 as published. Motion carried unanimously.

*Bruce Bowden abstained from voting in the above matter.*

**APPOINTMENTS/REAPPOINTMENTS/CONFIRMATIONS**

**MOTION:** Matthew Janiak moved, seconded by Daniel Fedderly, to recognize James Rusch for his years of service and to thank him for his dedication to the Section.

**Roll Call Vote:** Bruce Bowden – yes; Daniel Fedderly – yes; Matthew Janiak – yes; Ruth G. Johnson – yes  
Motion carried unanimously.

**ADMINISTRATIVE UPDATES****ELECTION OF OFFICERS****SECTION CHAIR**

**NOMINATION:** Ruth G. Johnson nominated Matthew Janiak for the Office of Section Chair.

Matthew Janiak called for other nominations three (3) times.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to close nominations, and to cast a unanimous ballot for Matthew Janiak as Section Chair. Motion carried unanimously.

Matthew Janiak was elected as Section Chair.

**VICE CHAIR**

**NOMINATION:** Matthew Janiak nominated Daniel Fedderly for the Office of Vice Chair.

Brittany Lewin called for other nominations three (3) times.

**MOTION:** Bruce Bowden moved, seconded by Ruth G. Johnson, to close nominations, and to cast a unanimous ballot for Daniel Fedderly as Vice Chair. Motion carried unanimously.

Daniel Fedderly was elected as Vice Chair.

**SECRETARY**

**NOMINATION:** Bruce Bowden nominated Ruth G. Johnson for the Office of Secretary.

Brittany Lewin called for other nominations three (3) times.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to close nominations, and to cast a unanimous ballot for Ruth G. Johnson as Secretary. Motion carried unanimously.

Ruth G. Johnson was elected as Secretary.

2014 ELECTION RESULTS	
Section Chair	Matthew Janiak
Vice Chair	Daniel Fedderly
Secretary	Ruth G. Johnson

## APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATES

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to approve the following appointments made by the Chair:

- |  |  |
|--|--|
| <b>1.     Credentialing Liaison:</b>         | <b>Bruce Bowden</b>                    |
| <b>2.     Rules Liaison:</b>                 | <b>Matthew Janiak</b>                  |
| <b>3.     Monitoring Liaison:</b>            | <b>Daniel Fedderly</b>                 |
| <b>4.     Continuing Education Liaisons:</b> | <b>Daniel Fedderly; Bruce Bowden</b>   |
| <b>5.     Travel Liaison:</b>                | <b>Matthew Janiak</b>                  |
| <b>6.     Screening Panel:</b>               | <b>Ruth G. Johnson; Matthew Janiak</b> |

Motion carried unanimously.

## DELEGATED AUTHORITY MOTIONS

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, that the Section delegates authority to the Chair (or order of succession) to sign documents on behalf of the Section. In order to carry out duties of the Section, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to a Department representative to sign the name of the Chair (or order of succession), or any and all Section members, on documents as necessary. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, that, in order to facilitate the completion of assignments between meetings, the Section delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Section, to appoint liaisons to the Department to act in urgent matters and to act when knowledge or experience in the profession is required to carry out the duties of the Section in accordance with the law. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Ruth G. Johnson, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Ruth G. Johnson, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

**NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES)  
MODEL LAW AND MODEL RULES**

**MOTION:** Daniel Fedderly moved, seconded by Ruth G. Johnson, to suggest that Department staff place a link to the National Council of Examiners for Engineering and Surveying (NCEES) Model Rules on the Section website. Motion carried unanimously.

**APPLICATION MATTERS**

**APPROVED WISCONSIN LAND SURVEYOR COLLEGES AND UNIVERSITIES**

**MOTION:** Daniel Fedderly moved, seconded by Ruth G. Johnson, to request DSPS staff work to update the list of Approved Schools for Land Surveying, and to designate Bruce Bowden to advise DSPS staff. Motion carried unanimously.

**APPLICATION REVIEW PROCESS**

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to designate Bruce Bowden to work with Credentialing staff to standardize the experience reporting, for consideration at the next Section meeting. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**2013 WISCONSIN ACT 114**

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to request DSPS staff draft a Scope Statement revising Wisconsin Administrative Code chapter A-E 6, relating to examination requirements as affected by 2013 Wisconsin Act 114. Motion carried unanimously.

**2013 ASSEMBLY BILL 506 AND 2013 SENATE BILL 394**

**MOTION:** Daniel Fedderly moved, seconded by Ruth G. Johnson, to request DSPS staff draft a Scope Statement revising Wisconsin Administrative Code chapters A-E 1, 2, 6, 7, 8, and 10, relating to changes implemented by 2013 Assembly Bill 506, pending enactment of the bill, and designate Bruce Bowden and Matthew Janiak to advise DSPS staff. Motion carried unanimously.

*Ruth G. Johnson left the meeting at 11:23 A.M.*

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)**

**NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) –  
DELEGATES, EMERITUS MEMBER, AND MEETINGS**

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to designate Matthew Janiak as a delegate to attend the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Central and Western Zone Meeting on May 15 to 17, 2014 in Lincoln, Nebraska, and to authorize travel. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to designate Matthew Janiak as a delegate to attend the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Annual Meeting on August 20 to 23, 2014 in Seattle, Washington, and to authorize travel. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to request that Executive Director Brittany Lewin attend the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Annual Meeting on August 20 to 23, 2014 in Seattle, Washington, and to authorize travel. Motion carried unanimously.

**EDUCATION AND EXAMINATIONS MATTERS**

**CONTINUING EDUCATION AUDIT REQUEST**

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to request DSPS staff to work with the Continuing Education Liaisons to conduct a Continuing Education audit. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to request DSPS staff obtain Continuing Education documentation for each Respondent whenever an investigation is opened. Motion carried unanimously.

**PUBLIC COMMENTS**

*James Rusch, former Section member, appeared before the Section to thank Section members and DSPS staff with whom he worked during his tenure as a member of the Land Surveyor Section.*

## CLOSED SESSION

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Bruce Bowden – yes; Daniel Fedderly – yes; Matthew Janiak – yes. Motion carried unanimously.

The Section convened into Closed Session at 12:05 P.M.

## RECONVENE TO OPEN SESSION

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to reconvene in Open Session at 4:10 P.M. Motion carried unanimously.

## PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE

### DHA CASE # SPS-13-0025; DLSC CASE # 12 LSR 001 MICHAEL KOTLAREK

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to adopt the Findings of Fact, Conclusions of Law, and Stipulation in the matter of 12 LSR 001 – Michael Kotlarek, and to vary the Order as follows:

1. To specify that Education taken pursuant to the Order cannot be used to satisfy annual Continuing Education requirements;
2. To require that Education taken pursuant to the Order be pre-approved by the Section or the Continuing Education Liaison;
3. To require that Respondent enroll in the educational class pursuant to the Order on or before September 15, 2014;
4. To require that Respondent's first three (3) surveys after the date of the Order be submitted to the Section for review;
5. And to require Respondent to submit the findings of the Wisconsin Society of Land Surveyors' Survey Map Review Committee to the Section for review.

All other terms of the Order remain unless modified as stated above.

#### **Reasons for Variance:**

1. To ensure that the education addresses the identified issue and is not used to satisfy Continuing Education requirements.
2. Preapproval is necessary ensure that the education addresses the identified issue.
3. A specific time period is required to provide clear direction to Respondent.
4. The Section wishes to review the surveys and the results of the review by the Wisconsin Society of Land Surveyors' Survey Map Review Committee to ensure compliance with legal requirements.

Motion carried unanimously.

**APPLICATION REVIEW**

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to approve the application for Land Surveyor licensure for the following applicants once all requirements are met:

1. Gregory Belanger
2. Matthew R. Johnson
3. Brandon Kupitz
4. Michael Picha

Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to issue an intent to deny the application for Land Surveyor licensure for Matthew Albright, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin.

**Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b., A-E 6.03(1)(a)2.c., and A-E 6.03(1)(a)2.e. for projects in Wisconsin. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to issue an intent to deny the application for Land Surveyor licensure for Chad Asberry, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin.

**Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b., A-E 6.03(1)(a)2.c., and A-E 6.03(1)(a)2.e. for projects in Wisconsin. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to issue an intent to deny the application for Land Surveyor licensure for Michael Bode, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin.

**Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)1., A-E 6.03 (1)(a)1.d., and A-E 6.03(1)(a)2.a. for projects in Wisconsin. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to issue an intent to deny the application for Land Surveyor licensure for Kory Thurnau, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin.

**Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b. and A-E 6.03(1)(a)2.c. for projects in Wisconsin. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to issue an intent to deny the application for Land Surveyor licensure for Catlon Phelps, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin.

**Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b. and A-E 6.03(1)(a)2.c. for projects in Wisconsin. Motion carried unanimously.

## CONTINUING EDUCATION WAIVER REQUESTS

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to deny the request to waive the CE requirements received from B.F., and to encourage B.F. to consider an affidavit of non-practice. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to deny the request to waive the CE requirements received from D.R., and to encourage D.R. to consider an affidavit of non-practice. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to deny the request to waive the CE requirements received from D.W. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to deny the request to waive the CE requirements received from S.S. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

## REQUESTS FOR A 'RETIREMENT' WAIVER OF CONTINUING EDUCATION AND AFFIDAVITS OF NON-PRACTICE

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to grant the waivers as listed below subject to signing and returning to the Department of Safety and Professional Services within 30 days the "Affidavit of Retirement Status."

1. A.N.
2. F.K.
3. G.D.
4. G.G.
5. J.M.
6. K.K.
7. M.H.
8. M.R.
9. R.S.
10. S.J.

Motion carried unanimously.

## CASE CLOSING(S)

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to close DLSC case number 11 LSR 004, against D.B.C., for insufficient evidence (IE). Motion carried unanimously.



**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,  
IF VOTING IS APPROPRIATE**

**MOTION:** Daniel Fedderly moved, seconded by Bruce Bowden, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Bruce Bowden moved, seconded by Daniel Fedderly, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:12 P.M.